



## MEMORANDUM

Agenda Item No. 7(P)(1)(G)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

DATE: **January 20, 2004**

FROM: George M. Burgess  
County Manager

SUBJECT: Resolution Authorizing the  
Execution of a County  
Disclaimer for a Portion  
of NW 77th Terrace  
from NW 27th Avenue  
to NW 25th Avenue in  
Section 10-53-41

### RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing the Mayor to execute a Miami-Dade County Disclaimer for a portion of NW 77th Terrace, from NW 27th Avenue to NW 25th Avenue in Section 10-53-41, as described in Exhibit "A" and illustrated in Exhibit "B", attached hereto.

### BACKGROUND

The subject 50-foot wide portion of NW 77th Terrace was dedicated at no cost to the public in 1925, by the plat of EVERGLADES-GRAPELAND, as recorded in Plat Book 21, Page 61 of the Public Records of Miami-Dade County; however, the road was never constructed. In 1965, when the County was considering the construction of a water main within the subject portion of NW 77th Terrace, the abutting property owners raised a question as to the validity of the aforementioned dedication. At that time, the County decided to accept a 12-foot wide utility easement over said portion of NW 77th Terrace rather than press its claim of dedication in the courts. This decision is explained in a memorandum dated September 13, 1965, from the Public Works Director to the County Manager. On October 4th, 1965, the County Commission adopted Resolution Number 11255, accepting the aforementioned 12-foot utility easement. The resolution does not address the question of the validity of the dedication. However, the Public Works Director's memo which was recorded along with Resolution Number 11255 in Minute Book 59, Page 335, indicates that the Property Appraiser's Office would be notified that the road should be replaced on the tax rolls. Today, the subject portion of NW 77th Terrace continues to be included in the property description for tax folio 30-3110-045-0010 and the associated taxes have been paid. Furthermore, the subject portion of NW 77 Terrace is physically closed to the public by a fence at each end.

The owner of the property described in folio 30-3110-045-0010 has requested that the County formally disclaim its rights to this portion of NW 77th Terrace. This would clarify the public records to reflect that the portion of NW 77th Terrace, from NW 27th Avenue to NW 25th Avenue in Section 10-53-41, is no longer considered a public right-of-way for title purposes.

The Public Works Director recommends the execution of this Disclaimer.

  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** January 20, 2004

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 7(P)(1)(G)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(P)(1)(G)  
1-20-04

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE EXECUTION OF A COUNTY  
DISCLAIMER OF A PORTION OF NW 77TH TERRACE FROM NW  
27TH AVENUE TO NW 25TH AVENUE IN SECTION 10-53-41

**WHEREAS**, this Board desires to accomplish the purposes outlined  
in the accompanying memorandum, a copy of which is incorporated  
herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby  
approves a County Disclaimer of the dedication of right-of-way for  
a portion of SW 77th Terrace in Section 10, Township 53 South,  
Range 41 East, Miami-Dade County Florida, as described in Exhibit  
"A" and illustrated in Exhibit "B", both attached hereto and made a  
part hereof, and authorizes the Mayor to execute said County  
Disclaimer and related documents on behalf of Miami-Dade County and  
authorizes the Director of Public Works to cause said instrument to  
be recorded in the Public Records of Miami-Dade County, Florida.

The foregoing resolution was offered by Commissioner  
, who moved its adoption. The motion was  
seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly  
passed and adopted this 20th day of January, 2004. This  
resolution shall become effective ten (10) days after the date  
of its adoption unless vetoed by the Mayor, and if vetoed, shall  
become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency.

Thomas Goldstein

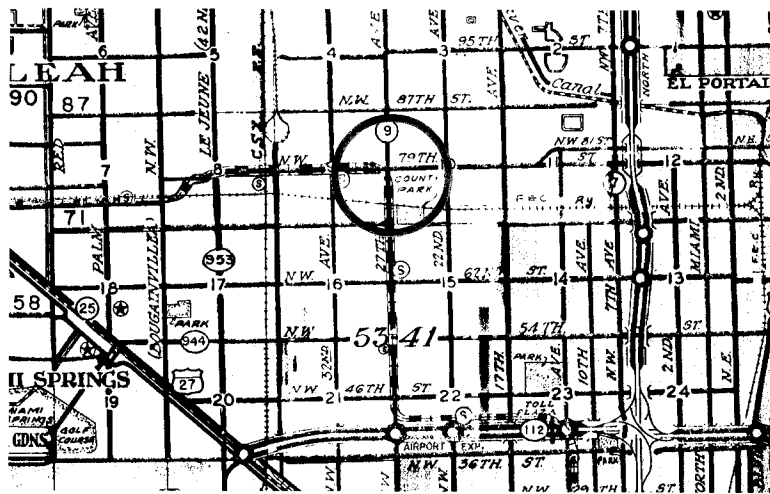
By: \_\_\_\_\_  
Deputy Clerk

### LEGAL DESCRIPTION

That portion of the right-of-way for N.W. 77th Terrace according to the plat of EVERGLADES-GRAPELAND recorded in Plat Book 21 at Page 61 of the Public Records of Miami-Dade County, Florida, including the external areas (or portions thereof) formed by curves in the corners of Lots 21 and 41 in Block 2 and Lots 19, 20 and 46 in Block 3 of said plat of EVERGLADES-GRAPELAND, said portion lying between the East line of the West 50.00 feet and the West line of the East 25 feet of the N.W. 1/4 of the N.W. 1/4 of the S.W. 1/4 of Section 10, Township 53 South, Range 41 East, in Miami-Dade County, Florida;

Reserving, however, unto Miami-Dade County a 12-foot wide water main easement as recorded in Official Record Book 4786 at Page 193 of the Public Records of Miami-Dade County Florida.

**EXHIBIT "A"**



Not to Scale

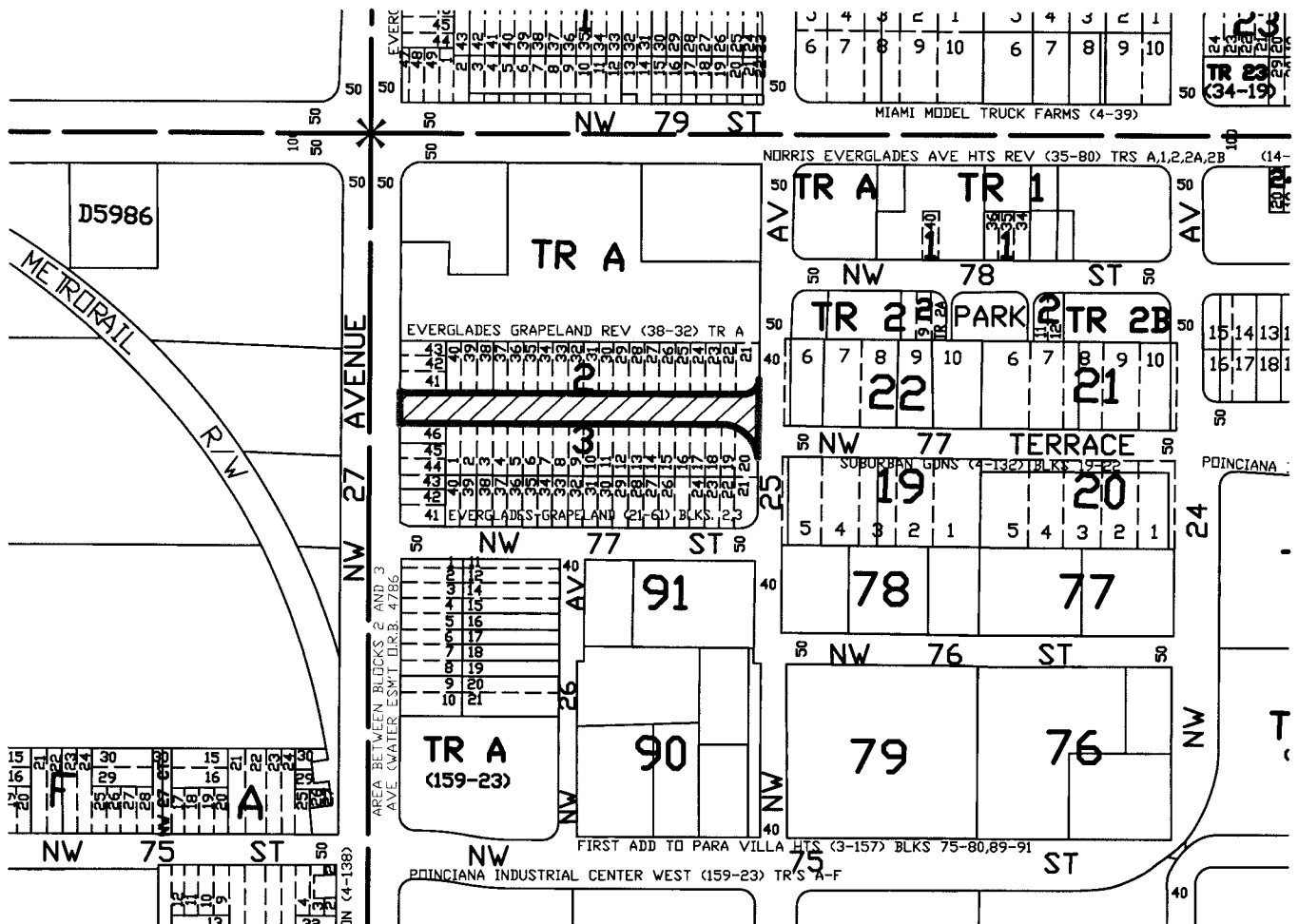


EXHIBIT "B"

6

SCALE 1" = 300'

Return to:

Right of Way Division .  
Miami-Dade County Public Works Dept. .  
111 N.W. 1st Street .  
Miami, FL 33128-1970 .

Instrument prepared by: .  
Wayne T. Sutton . NW 77th Terrace  
Right of Way Division . Section 10-53-41  
**Folio: 30-3110-045-0010**

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**MIAMI-DADE COUNTY, FLORIDA  
DISCLAIMER OF RIGHT-OF-WAY**

**STATE OF FLORIDA                    )**  
**COUNTY OF MIAMI-DADE            )**

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida, whose Post Office address is 111 N.W. 1st Street, Miami, Florida 33128-1970, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, to wit:

LEGAL DESCRIPTION

That portion of the right-of-way for N.W. 77th Terrace according to the plat of EVERGLADES-GRAPELAND recorded in Plat Book 21 at Page 61 of the Public Records of Miami-Dade County, Florida, including the external areas (or portions thereof) formed by curves in the corners of Lots 21 and 41 in Block 2 and Lots 19, 20 and 46 in Block 3 of said plat of EVERGLADES-GRAPELAND, said portion lying between the East line of the West 50.00 feet and the West line of the East 25 feet of the N.W. 1/4 of the N.W. 1/4 of the S.W. 1/4 of Section 10, Township 53 South, Range 41 East, in Miami-Dade County, Florida.

Reserving, however, unto MIAMI-DADE COUNTY a 12-foot wide water main easement as recorded in Official Record Book 4786 at Page 193 of the Public Records of Miami-Dade County, Florida.

**WHEREAS** the above described portion of N.W. 77th Terrace has not been improved for use as a public road and is not needed as a public road:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES HEREBY DISCLAIM any interest it has in the above described lands by virtue of said plat of EVERGLADES-GRAPELAND, and recorded in Official Record Book 21, at Page 61 of the Public Records of Miami-Dade County, Florida.

IN WITNESS WHEREOF MIAMI-DADE COUNTY, FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this

\_\_\_\_\_ day of \_\_\_\_\_, A.D. 2004.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor

Print: \_\_\_\_\_

Print: Alex Penelas

Address: 111 N.W. 1st Street  
Miami-Dade Center  
Miami, Florida 33128

The foregoing was authorized and approved on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2004, by Resolution No. \_\_\_\_\_ of the Board of County Commissioners of Miami-Dade County, Florida.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

NOTARY PUBLIC

Sign: \_\_\_\_\_

Print: \_\_\_\_\_  
STATE OF FLORIDA at large

My commission expires: \_\_\_\_\_